

MINUTES
TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES
REGULAR COUNCIL MEETING
Thursday, November 17, 2005
3:30 p.m.

PRESENT: David J. Becker, Vice Mayor
Frances F. Atchison, Councilmember
E. William Kenyon, Councilmember
William H. Ahrens, Councilmember

STAFF PRESENT: Robert J. Bradshaw, Town Manager
Laura Aldrich, Town Clerk
Hugh Cox, Chief of Public Safety
Richard Jefferson, Building Official
Chester Clem, Town Attorney

ABSENT: Thomas W. Cadden, Mayor (Excused)

1. **Call to Order.** Vice Mayor Becker called the meeting to order at 3:30 p.m.
 - a. Pledge of Allegiance
 - b. Invocation – Vice Mayor Becker
 - c. Roll Call
2. **Consent Agenda.**
 - a. Approval of 1st Budget Public Hearing Minutes of September 8 and 17, 2005
 - b. Approval of 2nd Budget Public Hearing Minutes of September 22nd, 2005
 - c. Accepting and Filing of Planning, Zoning and Variance Board meeting minutes of October 11, 2005
 - d. Approval of the Regular Town Council Meeting Minutes of October 27, 2005
 - e. Approval of Invoice from John Ferraro for Building Dept. scanning and indexing of 75,559 documents in the amount of \$13,882.85
 - f. Approval of Invoice from Solin & Associates, Town Planner, for services in the amount of \$8,137.50

Vice Mayor Becker stated that Item “e” of the Consent Agenda had previously been approved and therefore was stricken from the list. **A motion on the remainder of the consent agenda** to approve Items a, b, c, d and f was made by Councilman Kenyon and was seconded by Councilmember Atchison. There being no discussion, the vote was taken, with the result of **passing 4-0.**
3. **Mayor’s Items**
 - a. Urban Service Area Boundary Presentation (Commissioner Gary Wheeler)
This item was discussed after the Call to Council reports, as Commissioner Wheeler arrived at 4:35 p.m. Vice Mayor Becker introduced Commissioner Wheeler, who thanked the audience for allowing him to discuss the Urban Service

NOTE: *The Town of Indian River Shores does not keep verbatim minutes as a matter of record. If a person decides to appeal any decision made by the Town of Indian River Shores Town Council with respect to any matter considered at this meeting, he or she will need to make a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. See Florida Statute 286-0105.*

Area. He explained that the urban service area is an area in which services such as public water and sewer will be provided, and in which urban-type development (more than 1 unit per 5 acres, generally) are allowed. This urban service area was established in 1990 when the County's Comprehensive Plan was adopted. It encompasses an area east of I-95. He showed via handouts the land zoned AG-1, which is one unit per 5 acres and AG-2, which is one unit per 10 acres. One area is zoned AG-3 in the extreme western portion of the County that allows one unit per 20 acres. A large portion of the County belongs to the St. John's Water Management District. Mr. Kenyon noted the size of this tract and asked if this land could ever be sold. Comm. Wheeler replied that it is the headwaters for the St. John's River, and will likely never be sold. About 35% of the County is publicly owned.

The Urban Service Area (USA) is important as it acts to limit urban growth. It's boundaries can only be changed by amending the County's Comprehensive Plan not more often than twice a year or if a municipality annexes land. That means that three votes on either the County Commission or a City Council can change the USA. He discussed some of the actions that had been taken by the City of Fellsmere regarding annexation, which could result in thousands of additional homes instead of hundreds, and building heights. This isn't about who is right or wrong, but the people's voice in the decision regarding growth. He cited the City of Port St. Lucie, which is 114 square miles. In 1961 they had 370 people, and now has 140,000. Palm Bay is similar, with over 40 annexations since the 1960's. Without expanding our current USA, we have the capacity to house 300,000 plus people. Indian River County has expanded the USA three times, twice by the County of about 30 acres and then 70 acres added to the Industrial Complex on SR 60.

Comm. Wheeler expressed concern about the pressure from the South as the urban sprawl continues towards us, and wants to protect the USA boundary by letting the people vote to decide the direction of growth by the County. He reviewed in great detail the past year's action by the County Commissioners on this subject and the village concept. He explained the history of the resolution that he has been promoting in detail as well.

Vice Mayor Becker asked how many of the 170,000 potential additional County residents would be included on the land as yet undeveloped inside the USA, and Comm. Wheeler said all of them. Councilman Kenyon asked about a City's sovereign right to annex and the voter's impact if this referendum should pass, and he replied that the County voters would have to approve any density or zoning changes. This is the first time that this has been proposed in the State of Florida, according to the attorney hired by the County. Councilman Kenyon said that he is not interested in rampant growth, but wants controls in place that give orderly growth. Comm. Wheeler agreed. Councilman Ahrens asked if this had been presented to the Regional Planning Council, and Comm. Wheeler said that it had not, as it pertains to our County. Councilmember Atchison asked about the

stance of the local State officials, and he said that three out of four were in favor last spring, and now there are at least two against it. Vice Mayor Becker and Commissioner Wheeler discussed the voters and elected officials in relation to growth issues.

Councilman Kenyon asked what he wanted this Council to do. Comm. Wheeler said that he wanted a resolution of support. He needed a local State representative to introduce the bill, and three of four of the legislators to support it. If this occurs, the final step would be to have this issue on the ballot in November 2006. Councilman Kenyon asked how many of the cities have supported his position, and Comm. Wheeler said of the elected officials, the score is 11-4. Citywise, Sebastian voted 4-1 in support, Orchid was 5-0, and the County Commission voted 3-2 against it. He was scheduled to visit Fellsmere later in the day.

Vice Mayor Becker asked about affordable housing, which was explained by Comm. Wheeler, using Dade County as an example.

Councilmember Atchison said that she happened to agree with Comm. Wheeler's message, but had a problem that he was in the minority with his fellow commissioners. She asked if he came to them as a County resident or as a Commissioner on point? He said both, but that he happens to disagree with three of his fellow commissioners on this, and felt compelled to vote his conscience. He cited statistics on speculative population growth, reiterating that it is not a matter of who is right and who is wrong. Being a commissioner, he is lobbied daily and hears one side of a story as a normal process, whereas the public has more of an opportunity to hear both sides.

Councilman Kenyon likened Commissioner Wheeler as David coming up against Goliath, but applauded what he is trying to do. Comm. Wheeler said that this requires grassroots campaigning, as it is very controversial. He spoke very highly of the voters, the community and organizations we have in Indian River County. Vice Mayor Becker brought up the value of public hearings to educate the voters.

Councilman Ahrens commented on the fact of a great weakness in our system by not using organizations such as the Regional Planning Council as a forum to present recommendations to governing bodies. Paid planning officials should have more clout.

Councilman Kenyon asked about Vero's stand on this issue, and Comm. Wheeler said that he was misunderstood and had been placed on their agenda under discussion where no action could be taken. He will be back on their agenda on November 29, 2005.

Vice Mayor Becker said that this is an informational session today for the Town, and opened the floor to questions, but not opinions. An unidentified member of the audience said that many of them had come for that purpose, and was told that

what he said stands. Mr. Jefferson asked if the Council's right to choose the type of housing and rezoning would be affected if this passed. Comm. Wheeler said that it would not.

Bob Smith asked about the density reflected on one of the handouts as .02, which Comm. Wheeler clarified should have been 0.2 units per acre. (Page 2 in the attachment to these minutes)

Vice Mayor Becker asked if there were any further questions, and there being none, thanked Comm. Wheeler for a very lucid presentation. Councilman Kenyon asked again if he didn't want some type of action from them, and Comm. Wheeler said that was what he had requested. Councilman Kenyon apologized, stating that the problem may be that in the absence of the Mayor, the Council determined not to take action at this time. Vice Mayor agreed that it was a fair statement.

4. **Planning, Zoning and Variance Board.** Chairman Gerry Weick stated that there was nothing to report.

5. **Town Attorney.**

- a. **Ordinance No. 482 – Pension Plan.** Mr. Clem performed the second reading of this ordinance as written below, explaining that the pension plan had already been adopted by Resolution, but it was determined to formalize it by adopting it also by ordinance. He then read the ordinance by title:

**AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES
RESTATING THE TERMS OF THE TOWN OF INDIAN RIVER
SHORES PENSION PLAN AND THE TERMS OF THE TOWN OF
INDIAN RIVER SHORES DEFINED BENEFIT PENSION PLAN;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

Councilman Kenyon, supported by Vice Mayor Becker, made a motion to accept the second reading of Ordinance No. 482. A roll-call vote was taken:

Aye: Councilman Kenyon, Vice Mayor Becker, Councilman Ahrens, and Councilmember Atchison

Nay: None. **The motion passed 4-0.**

- b. Second Public Hearing and Second Reading of Ordinance No. 478-A. Mr. Clem explained that this is more or less a technicality, as Ordinance 478 was incomplete in the property description as referenced in the body of the ordinance.

The Public Hearing was opened at 3:34 p.m. Mr. Solin was present to receive any comments or answer questions, of which there was none. **The Public Hearing was closed at 3:35 p.m.**

The second reading of Ordinance 478-A was then performed by Mr. Clem as printed below:

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, REPEALING ORDINANCE NO. 478 AND APPROVING THE REQUEST BY VERO BEACH ESTATES DEVELOPMENT, LLC, TO AMEND THE ZONING MAP OF THE TOWN BY REZONING CERTAIN REAL PROPERTY, LOCATED SOUTH OF INDIAN TRAILS SUBDIVISION AND OCEAN PEARL SUBDIVISION, AND NORTH OF PALM ISLAND PLANTATION SUBDIVISION AND CARLTON VERO BEACH SUBDIVISION WITHIN THE INCORPORATED LIMITS OF THE TOWN OF INDIAN RIVER SHORES AND HAVING THE TAX PARCEL ID#'S 31-39-36-00000-0050-00004.0, 31-39-36-00000-0060-00002.0, 31-39-36-00000-0070-00004.0, 31-39-36-00000-0070-00006.0 AND AS MORE FULLY DESCRIBED IN EXHIBIT "A", AS "PLANNED RESIDENTIAL DEVELOPMENT (PRD)"; AND PROVIDING AN EFFECTIVE DATE.

A motion was made by Councilman Kenyon and seconded by Councilmember Atchison to approve the second reading of Ordinance 478-A.
The Town Clerk then called the vote by name.
Aye: Councilman Kenyon, Councilman Ahrens, Councilmember Atchison, and Vice Mayor Becker
Nay: None. **The motion passed 4-0.**

6. **Town Manager.** Mr. Bradshaw stated that he had no items to present.

7. **Call to Council**

- a. Committee Reports.
Council of Public Officials (COPO). Councilman Kenyon said that they met and had an interesting discussion on the referendum to be addressed upon Commissioner Wheeler's arrival. The City Manager in Vero Beach and Fellsmere gave reports on their stance on this subject at this meeting, and some discrepancies reported by the newspaper were discussed by Councilman Kenyon. The City of Fellsmere, he explained, is taking the brunt of the negative publicity on this topic even though their official position is a desire to remain a small town. The COPO discussed traffic circles in relation to access to the barrier island via SR 60, and nothing is planned as presented in the newspaper. One or two traffic circles may be installed, but not five or six. There will be a lot of work on SR 60 commencing within the next couple of months.

Also, the five cities in the Council of Public Officials in Indian River County have taken the issue of the formation of a local league under the Florida League of Cities for input, and four have indicated that they are favorably inclined. This will probably go forward as the Florida League of Cities gives this area a lot of voice in Tallahassee, and this is the only part of the State that does not have an affiliate in the Florida League of Cities. As Mayor Cadden has reported based on the many meeting that he attends, the FLC is a very positive organization for the State and should serve us very well.

- b. Beach and Shores Preservation. Mr. Ahrens said that this committee has postponed all meetings until January.
- c. Parks and Recreation Committee. Mr. Ahrens said that this committee has postponed all meetings until January.
- d. Land Acquisition Advisory Committee. Councilmember Atchison reported that they have not met since October.
- e. Metropolitan Planning Organization. Dr. Becker said that he had nothing additional to report.

Call to Audience. No response.

9. **Adjournment**

After the presentation by Commissioner Wheeler, there were no other items to discuss. The meeting adjourned at 4:40 p.m.

_____/s
Laura Aldrich, Town Clerk

(Approved by the Town Council at the 12-15-06 meeting)